

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Stuart, Morris, and Boldt, Chair, present.

9:45 A.M.

PROCLAMATION

Commissioner Boldt read a proclamation declaring the month of April 2006 as National Autism Awareness Month in Clark County.

10:00 A.M.

The Board of Commissioners adjourned and convened as the Board of Health

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

There being no public comment, **MOVED** by Stuart to approve items 1 and 2. Board members Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 264)

BOARD OF HEALTH COMMUNICATIONS

John Wiesman, Director, Clark County Health Department, commented that the Health Department was currently responding to two outbreaks: norovirus at the Cascade Retirement Inn and a suspected viral outbreak at the VanMall Retirement Community, which they believed to be norovirus as well. Mr. Wiesman said they were controlling the spread of the virus in and around the facilities and sharing the early detection and treatment of those who are ill or infected so they can get prompt medical care. He further explained norovirus and the steps being taken by the Health Department. In addition, he said that early on in the situation three deaths had been reported and he expressed condolences to the families. Wiesman said they put the norovirus fact sheet on the Health Department's web site, which can be accessed at www.clark.wa.gov, and he emphasized the importance of good hygiene and effective hand washing, not touching one's face, carefully washing fruits and vegetables, and disinfecting surfaces.

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

Morris wanted to know what direction was being given to other care facilities that may not have yet been infected. She also asked about hand sanitizers and whether they were as effective as soap and water.

Wiesman responded that all facilities should be practicing good infection control procedures and are being given appropriate instructions and they are also working with the ambulance response companies and hospitals. He added that if soap and water are not readily available, then they recommend using hand sanitizers.

Stuart said in terms of transmission through food handling, he wanted to know if special instruction had been provided to school kitchens, restaurants, etc.

Wiesman said they have gotten the word out to schools, as well as other, reminding them of potential illnesses. For staff who are ill—particularly food handler staff and healthcare staff—they are not to return to work until 48 hours after their last symptoms, and those instructions have been sent out as well. *Wiesman* expressed appreciation to all the facilities for all the work they're doing in response to this. Lastly, *Wiesman* commented about a Health Department staff member, Brent Stubblefield, who had been with the department since September 2002, working in the HIV prevention/case management areas. Mr. Stubblefield passed away from cancer on March 12. *Wiesman* said he touched a lot of lives and they've lost a great colleague.

Adjourned and reconvened as the Board of Commissioners

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

BID AWARD 2435

Reconvened a public hearing for Bid Award 2435 – Erickson Farms Neighborhood Parks. Mike Westerman, General Services, read a memo recommending that Bid 2435 be awarded to the lowest bidder.

Morris asked if staff was able to find out where the money came from for the Greater Clark Park District.

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

Pete Capell, Director, Department of Public Works, responded that the monies came from the urban REET, \$145,000; Park Impact Fees, \$179,000; and the Metropolitan Parks District, \$52,000.

Morris said that as she understood it, Metropolitan Parks District money was only for operations and maintenance, not construction.

Capell said that for the program to have enhanced level of parks with the irrigation that level of the work was going to be funded by the district money in that there are monies up front before they start maintaining all of the parks that they have available today. He said that was how they were able to afford the irrigation and some of the enhancements over level II, which is what is in the Park Impact Fee program.

Boldt asked about the Construction Management Inspection in the amount of \$25,000.

Capell explained that typically all of their capital improvements have a cost for construction administration, inspection and oversight of approximately 5%, which is historically what it cost them to oversee that. He said they would have construction management costs on all of their projects and it varies based on the size of the project. He said this was the actual labor cost and the construction management would be done by the City of Vancouver Public Works Construction Management in conjunction with Vancouver-Clark Parks.

Morris wanted to know why the county's Public Works Department wasn't doing that.

Capell said that Parks had been doing that internally and it was agreed that it would be best to have more professional level management. He said they elected to use city staff and they have greater resources currently available to be able to take on that work.

There being no public comment, **MOVED** by Stuart to award Bid 2435 to Colf Construction of Vancouver, Washington, in the total bid amount of \$262,173.80, including Washington State sales tax, and grant authority to the County Administrator to sign all bid-related contracts. Commissioners Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 264)

BID AWARD 2436

Reconvened a public hearing for Bid Award 2436 – Walnut Grove Park. Mike Westerman, General Services, read a memo recommending that Bid 2436, including all four deductions, be awarded to the lowest bidder.

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

There being no public comment, **MOVED** by Stuart to award Bid 2436 to Colf Construction of Vancouver, Washington, in the total bid amount of \$417,505.40, including Washington State sales tax, and grant authority to the County Administrator to sign all bid-related contracts. Commissioners Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 264)

PUBLIC COMMENT

Margaret Tweet, citizen of Camas, commented about consent agenda item 1 (Resolution regarding the conduct of county business during years when at least one commissioner is seeking election to a new term). Mrs. Tweet stated that she had hoped for more and the proposal that county mailings not be mailed in the 60 days prior to an election is not sufficient. She said that laws were written prior to mail-in voting and should be adjusted to reflect the fact that elections begin three months prior to the final election date. Tweet said that from 2000 to 2002, the county sent one informational mailer and it wasn't during an election season; in 2003 and 2004, there were no informational mailers; and in 2005, Commissioner Stuart initiated a countywide update to be mailed to residents. She said it was mailed approximately 68 days prior to the election and under the proposed resolution that would be fine. She said that 90 days prior to an election would be better in keeping with the federal standards, and 120 days would be better yet. She suggested the board adhere to the federal standard of 90 days.

Morris clarified that Commissioner Stuart initiated no kind of mailing. She said the County Board of Commissioners for a very long time has been requested to do updates through the mail about what they are doing. She further stated that there is a substantial difference between the kinds of franking privileges and the mailing privileges that a state legislator has. Morris said franking privileges are for mail that is about the member; mail that's done from the legislature is for mailings that are done about the member; and the mailings from the county that are done as newsletters are about the county and the activities the county is pursuing. She said they have updates on a number of subjects that don't speak at all about the Board of Commissioners.

CONSENT AGENDA

Boldt referenced item 1 and stated that he felt they were doing an adequate job.

There being no public comment, **MOVED** by Stuart to approve items 1 through 17. Commissioners Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 264)

PUBLIC HEARING: SOLID WASTE MANAGEMENT

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

Held a public hearing to consider an ordinance amending Chapter 24.12 of the Clark County Code, entitled "Solid Waste Management" establishing a solid waste management program in Clark County. Specifically, the proposed ordinance amends the permit appeals process to be consistent with the Washington Administrative Code. Hearing continued from March 21, 2006.

Bill Barron, County Administrator, explained the role of the hearings examiner in the proposed ordinance and noted that they have revised the order and hopefully have made it clearer. He said the proposed language for the hearings examiner could be found in Subsection 5, last paragraph.

Morris and Stuart stated that it was a good ordinance.

There being no public comment, **MOVED** by Stuart to approve Ordinance 2006-04-06, Solid Waste Management. Commissioner Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 264)

PUBLIC HEARING: FIREWORKS

Held a public hearing to consider modifications to Chapter 5.28 of the Clark County Code (Sale of Fireworks) for the purposes of including updates based on changes in state law, to eliminate unnecessary language, and to consider allowing a maximum of six retail sales permits to be held by the organization which funds the community-wide Fourth of July fireworks display at the Historic Reserve. Hearing continued from April 4, 2006. Note: the record was closed, and there will be no further public comment.

Barron stated that the board had asked for clarification on language relative to the ordinance, specifically the rewording of the paragraph 5.28.060, page 3, relative to providing a maximum of six permits for the Vancouver National Historic Reserve Trust. Further, Commissioner Morris had asked that they put the number of permits in the ordinance and they have added Section 10, which at the request of the Prosecuting Attorney would not be subject to codification. He explained that the reason for that was because the number may change every year since permits are tied to growth and population. In addition, Mr. Barron pointed out that they provided for new language that would assist in the future for documenting the Vancouver Historic Reserve Trust relationship with those permit holders that would grant them their permits and there's brief language about transferring that property right to the Trust. He said that has been reviewed and approved by the Prosecuting Attorney and the Trust has done that with one of their first holders.

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

Boldt referenced Section 2 about the new permits that would be handed out to get them to six.

Barron said that language could be found at 5.28.015, Subsection 2, which states, “Those permit holders who do not follow this procedure will forfeit their priority status and the permit will automatically be set aside to be awarded through a lottery process provided that available permits will first be allocated to satisfy the requirements of 5.28.060, Sub 1.”

Boldt asked for clarification about whether licenses could be transferred to the Historic Reserve, but they could not transfer to others once they have the license.

Jon Dunaway, Fire Marshal, Department of Community Development, said that was correct. He said that once those six permits have been allocated to the Trust, they are not transferable and would stay with that entity or its successor.

Stuart referred to 5.28.060.1, the language that states, “...except that a maximum of six permits are reserved...,” and he questioned why they would use that language versus just saying, “except that six permits,” or instead of just identifying the exact number.

Dunaway said if they were to use the wording, “six permits are reserved,” they would have to give those six this year and if they weren’t able to get the six from the current group or the ones available through the lottery, there would be the potential for having to take one away from an existing permit holder.

Boldt noted that public comment had been closed. He expressed appreciation for staff’s work and said he was in favor of the ordinance. He asked that the Trust be cooperative with other fireworks stands and that there’s not a monopoly. He added that they are striving to keep fireworks in the county, as well as provide a great show for people.

There being no further comment, **MOVED** by Stuart to approve Ordinance 2006-04-07. Commissioners Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 264)

PUBLIC HEARING: ROAD VACATION, MCABEE ROAD

Held a public hearing to consider the County Engineer’s Report on the advisability of vacating a portion of John McAbee Road.

Christy Osborn, representing the Department of Public Works, presented the staff report. Ms. Osborn stated that she had received a couple of phone calls from property owners to the south who are concerned that there’s an easement lying to the east of the subject

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

vacation request that they utilize to access their property. She said she had researched it and the portion of the road that is requested to be vacated is not, in fact, the easement that they utilize to access their property to the south. Osborn said staff is recommending that the board accept and approve the Engineer's Report and Preliminary Order to Vacate.

Rhea Bolan, 301 NE Hughes Road, expressed appreciation for a letter she received, which stated that the site was posted for 21 days. She said she didn't see the sign, which she passes four times a day. Ms. Bolan said she did contact Ms. Osborn, who clarified that she would be able to access her home.

Stuart asked Ms. Bolan if she did not see the sign.

Bolan said the property wasn't posted that she could see.

Osborn verified that the property had been posted.

Stuart referred to a letter to the editor (the Columbian) about how the county signage was smaller than a lot of other jurisdictions. He said they have been reviewing different ways for posting notices so that they are bigger and bolder.

Mike Fernsted, property owner to the east of the subject property, wondered when the county had last surveyed that road to be sure that the road vacation wouldn't upset the present easement.

Osborn responded that she couldn't say when the last survey had been done on those particular properties. She said the easements are called out in the legal descriptions for the property to the east to access the properties to the south and is not part of the title and easements that are identified on the property being vacated. She said the roadways run parallel so it's easy to think that easement runs along the portion to be vacated, but in fact it runs to the east.

There being no further public comment, **MOVED** by Stuart to approve the Engineer's Report and Preliminary Order to Vacate a portion of John McAbee Road – RV 06-60. Commissioners Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 264)

PUBLIC HEARING: MIXED USE ORDINANCE, MASTER PLANNED DEVELOPMENT
ORDINANCE, AND MIXED USE DESIGN STANDARDS

During the last update of the Clark County Comprehensive Growth Plan, the Planning Commission and Board of Commissioners conducted hearings regarding the mixed use

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

district. Based on testimony at those hearings the board decided that further refinement of the mixed use code to include design standards was needed. In September 2004 the Board appointed an eight (8) member advisory committee to a short-term work program that culminated in the adoption of an interim mixed use code CCC40.230.020 on December 14, 2004. The committee met between September 2004 and January 2006 and developed an enhanced ordinance to regulate mixed use developments, associated design standards and amendment to the master planned development ordinance to include mixed use developments. This hearing will consider the proposed ordinances.

The mixed use ordinance CCC40.230.020, master planned development ordinance CCC40.520.070, mixed use design standards Title 40 Appendix D, and updating summary of procedures and processes CCC40.500.010 to include mixed use project approval timelines are available on the county's web page at <http://www.clark.wa.gov/longrangeplan/projects/mixed-use.html>. Copies of the materials are also available at Clark County Community Development, Long Range Planning, 1300 Franklin Street, 3rd Floor, Vancouver, Washington. Hearing continued from March 14, 2006 and April 4, 2006.

Marty Snell, Department of Community Development-Long Range Planning, provided a brief overview. He said that per the board's direction, staff had submitted a comparison of what the county's existing code is in terms of the density, what the recommendation is, and what the cities within Clark County have for minimum densities. He referenced the memorandum, page 1, and said the existing code is 12 units per acre and the committee is recommending 18; page 2 provides some options for considering different setbacks to apply around the perimeter of a property, especially for non-residential development; and page 3 contains information about phasing and there's a provision regarding the non-residential portion of a development, which is currently a threshold of 50 acres. He said they have since reconsidered that and because there's a sliding scale of density proposed on page 4 with a maximum at 20 acres. He further explained.

Boldt asked if anything had changed since the previous meeting.

Snell said the ordinance hadn't changed, but there was the supplemental information requested by the board. He referred to page 4 of the memorandum and said they had looked at a sliding scale of a minimum density so for less than 2 acres, it would be 12 units per acre; between 2 and 20 would be 15; and greater than 20 would be 18, and there's a maximum of 43 units an acre. Lastly, *Snell* referenced page 5 and said the earlier ordinance had included provisions to allow general retailers, which would be larger, and there's a recommendation that they delete that. He said they also have a supplemental set of provisions that addresses the relationship of adjacent areas, which reads – "the design and layout of a mixed use development shall take into account the integration and compatibility of the site to the surrounding areas. The parameter of the mixed use development shall be so

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

designed as to minimize any undesirable impact on adjacent properties. Setbacks from the property lines of the mixed use development shall be comparable to or compatible with those of any existing development on adjacent properties, or if adjacent properties are undeveloped then setbacks shall conform to the type of develop that may be permitted.” He further explained. Snell added that any changes to this would be reported back to the board as to the progress of how the mixed use code is operating. Also, he said that this affects six areas and is about 550 acres total in the whole of Clark County.

Morris wanted to know how many acres were in mix use of the amount of commercial that they have designated currently in the comprehensive plan.

Snell said he didn’t know the exact number of how much commercial land was zoned in Clark County, but for mixed use it’s approximately 550 acres.

Morris asked that someone contact Oliver and find that out so that when they get to that part of the discussion, they have a good grip on when they did calculate available buildable lands for commercial development and how many of those were a part of the mixed use.

Higbie said he recalled from earlier discussion that they were using 50% residential and 40% commercial on mixed use land.

Boldt wanted to know if there were any requests to have mixed use in the new comp plan.

Snell said that wasn’t a part of the current update process. He said some cities have some areas of mixed use in their proposed expansion areas.

George Vartanian, 2217 NE 179th, Ridgefield, stated that the code was designed to be a stand-alone code that could be applied anywhere. He said there still seems to be concern that the commercial aspect of commercial elements of the mixed use areas will not be sustained by the mixed use residential aspect, and that’s not the intent. He explained that the mixed use area is to service the surrounding area, as well as those specifically within the mixed use. Vartanian said that to the extent they densify mixed use area that does provide some relief in the surrounding areas or other parts of the county to reduce density and still meet the comp plan designations.

Morris referenced Vartanian’s comments that these are supposed to be regional draws. She said she was troubled about the aspect of eliminating the general retailer as a possible use. She said it seemed a part of the discussion would be that they would have some design standards, which they have talked about, but be even more specific about them.

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

Higbie clarified that the recommendation is to delete the very large general retailers.

Morris said yes, such as a Lowe's, but if this is to be a regional draw then they want to have that, particularly if they have a low availability of commercial land anyway because they have to have some location for retailers such as those. *Morris* said she wasn't prone to support deletion of general retail in mixed use so much as she was to talk more about the size of the footprint or the design standard of it.

Vartanian said the intent of this was to have more facilities that serve communities, neighborhood areas, etc., and was not meant to replace or offer the same shopping conveniences that are in community commercial or highway commercial.

Morris said she understood that, but said they don't have much highway commercial and many of those locations could be zoned highway commercial because they fit the requirements.

[Discussion continued.]

Stuart said that mixed use was oftentimes used as a buffer and there are areas where it would make perfect sense to have larger scale retail in an area that has already seen more intense development and already has the transportation infrastructure. He said that's where they get back to compatibility issues with what's already there and what they have zoned for the area and he would hate to take it out as an option, but if they weren't to do that he would certainly want to see whether there's some sort of compatibility standards.

Polly Lauser, 13201 NW 33rd Avenue, Vancouver, commented about the habitat ordinance and said she was worried that once they put the overlay of the habitat ordinance over some of those parcels, it would restrict the way the developer makes a residential component attractive. Ms. Lauser said that with what they've been observing come on board with habitat, they wouldn't see anything remotely like Fairview Village. She said the Board might need to consider allowing some sort of compromise in terms of the habitat ordinance so that developers are not held to some of the strict standards.

Stuart said that was a good point. He said they also need to talk about stormwater and the need to be more creative with stormwater management.

Lauser added that things also need to be economically viable.

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

Morris referenced the stream that goes through Fairview, which she thought was a Class 3 or 4, and she didn't see why you couldn't build a bridge across a Class 3 or 4, although a different kind of a bridge would have to be built.

Lauser said there are going to be some seasonal streams on some sites, for example the 179th Street site and 199th Street site, and perhaps some seasonal ponds, which are being treated in the same way. She said that's just something for the board to factor into their thinking.

Morris said it was appropriate to point out how they calculate, which is after you take out all of the infrastructure and environmental setbacks, you calculate the ratios of density to the commercial and the amount of space you have to work with.

Lauser stated that one of the things that would ultimately make mixed use work is the ability of the developer to gage what would be economically viable for a site and that does complicate things. She said it's those kinds of flexibilities that would spell success for mixed use as a model in Clark County.

David Phillips, Erikson & Hirokawa Law Firm, stated that he had a 71st Street annual review case before staff and his client is significantly concerned about the density issue. He said at one point there had been a recommendation that the minimum density be 12 and he wanted to know if that was universal and if it had changed before the Planning Commission or before it went before them.

Higbie responded that the current mixed use code has 12 units per acre and also prohibits single-family detached dwellings. He said the proposal from the committee is to allow 18 units per acre and allow single-family detached, up to 30% of the total.

Phillips expressed support of the board's comments regarding the general retail issue and stated that depending upon the size of these sites, the transition between neighboring zones could actually occur on site if there was enough leeway or ability of the developer to use a minimum density that's workable. He said if they can live within the 12 density units per acre, they could design the site to have commercial on one side and residential on the other and still meet the setbacks.

Reed Stapleton, Vision First Development, referenced the comments made by Randy Clarno at the previous hearing and stated that there are three critical issues they have seen in the ordinance. He explained that the property they are working on is the Austen-Heritage property, located on 99th Street just east of 117th. He said the first issue is the idea of a progressive density requirement and requiring a higher density on sites 50 acres or greater.

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

He said it seems to be a fairly arbitrary way of assessing density by site size and is not a characteristic that would tell you whether or not a site would be predisposed for higher density and would meet that market segment. Stapleton further explained. Also, with the idea of progressive density, he thought there was another issue that would make more sense in terms of evaluating what type of product makes sense on larger sites. He said if you can include something in the ordinance to the effect, "on sites greater than 50 acres applicants shall provide a mixture of 3 to 4 product types." Stapleton said another concern has to do with the commercial requirement and the way the recent revisions have come in looking at 30% commercial for sites greater than 50 acres. Furthermore, looking at the new provision of striking footprints 50,000-100,000 square feet, it limits the ability to get an anchor in on an 18-acre site. He said they would advocate for something less than that, perhaps in the 20% range, and added that they would be happy to assist the county in developing design standards that would help them achieve the design they want to see in commercial areas.

Morris referred to the mixed use area Mr. Stapleton talked about, which borders 99th on the south, and stated that she didn't think 99th was a collector, but it is a primary arterial. She asked Stapleton which parcels of the 90 acres they owned.

Stapleton said they have control of the consolidated 90 acres. He stated that it's a concern of the market and compatibility with the surrounding neighborhood.

[Discussion continued]

Stuart commented that Mr. Stapleton was suggesting something that would be a requirement on him.

Stapleton said they would be open to a mixture of product types.

Stuart said it's an interesting idea.

Morris said it's not precluded under a minimum density because they could clearly use a mix of housing types if they had to hit a target density. She further explained. She said they have a lot of acres to work with and a range of options. She said she would rather see some higher densities there than see single-family slapped up against R-48 elsewhere in the county in order to hit density.

Stapleton said one type of product that's out there is a smaller lot detached product and that can be done at a density of 10 to 12 units per acre and it's typically a nice product. He said it allows for a more diverse community.

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

Morris said she was happy to add the words, “a mix of housing types” but not substitute for the 18 units per acre.

Stuart asked Stapleton what he meant exactly by type of products.

Stapleton responded that he meant the types of residential products so they could clarify single-family detached, single-family attached, duplex, attached four-plex, condos, etc.

Snell added that with the ordinance there is a design standards manual that would be adopted as an appendix. He referenced page 16, Permitted Housing Types, where it includes accessory dwelling unit, detached single-family housing, as well as six other types. So there would be 30% of single-family detached and the balance would be picked from the list.

Stuart said he liked the idea of requiring some diversity of housing types within the larger sites. He said they’re trying to deal with the transition and the idea that has been put forward is using setbacks to do that. Also, he’s looked at using height requirements to do the same thing. He described an article he read about the city of Bellevue and the “wedding cake” effect.

Stapleton said they accomplish different things. The building height accomplishes a visual intrusion on the properties adjoining it versus a setback, which could potentially buffer you from the backyards where you have kids playing and such as like that. He said the setback based on building height provision was in the county’s commercial code for where commercial areas adjoin low-density residential and he thought it worked pretty well.

Steve Madsen, Building Industry Association of Clark County, stated that there was a provision in the proposed ordinance, Item F, page 6, 40.230.020(f), which effectively incorporates this document into the ordinance. Mr. Madsen said the section on Design Standards doesn’t even begin until page 26 and he suggested that if they were going to reference a document such as this, that they reference it as a guideline, pulling out the sections that are the true bright line language.

Stuart asked if staff could describe the effect of the current proposed code language to incorporate by reference the Design Standards and the suggestion by Mr. Madsen.

Rich Lowry, Prosecuting Attorney’s Office, said that as currently proposed those guidelines would be mandatory and so any review of a proposal would have to comply with both the ordinance and with the guidelines. He said as he understood Mr. Madsen’s proposal, it was to make them guidelines in the sense that they’re not regulatory. Lowry indicated that there

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

are a number of very substantive provisions that are found only in the guidelines and if they were going to change the effect of the guidelines to be more of an example of what fits, he thought they would have to direct staff to call from the guidelines those provisions that should be put in the ordinance.

Madsen said that in his experience he has seen it work better with erosion control. For example, you've got erosion control standards and a municipality will produce a set of guidelines that give the proponent something to refer to. He suggested that it would be vast overkill to do it as proposed.

Jeff Bivens stated that his clients are Austen-Heritage and for the past two years they've been in the process of marketing and selling this property. His said they still do not have any finality and their lives are on hold. Also, the developers are coming close to missing this building season. He encouraged the board to keep this issue a strong priority.

Boldt wanted to know if the property was in urban holding.

Bivens said yes.

Vartanian asked Commissioner Morris if she would feel better with a 100,000 sq.-ft., one-floor retail area.

Morris said that what they have is language to strike it altogether.

Higbie explained that the deletion of 3B is "General Retailer – 50,000-100,000 square feet" and what is still in the code is Item A, which says "less than 50,000 sq.-ft. building footprint," which means that you could have a 100,000 sq.-ft. two-story building.

Vartanian said they're missing the fact that with a 50,000 sq.-ft. footprint they can go up. He said in terms of any new mixed use/zone change applications, he was aware of at least one. He also clarified that the 20% or 30% retail space wouldn't have to be in one space—it could be spread out.

Boldt said his line in the sand was the density and for a minimum he would hope to have 12. He said he would hope the market would dictate that the density go higher. Also, for less than 20 acres, they have 12; for more than 20 acres, they have around 15.

Stuart said that in regards to the density issue, one of the things the cities have asked the county to strive for is consistency with city standards. In looking at the City of Vancouver, the standard is 12 units per acre and if they set the standard at 18 units per acre they are

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

going to see fewer units per acres than they originally planned for. So to be consistent with their planning principals of trying to work with the cities, he would go a bit farther than Commissioner Boldt and suggest that the minimum units per acre be equal to the minimum units per acre for the city that the urban growth boundary represents. For example, for the Vancouver urban growth boundary the minimum units per acre would be 12; for Camas, it would be 10; and so on.

Morris said many of these areas are far away from city limits and the earlier argument that they are on the urban fringe is a temporary element because almost all of them are slated to be surrounded by new urban areas in the upcoming plan. Also, she said the City of Vancouver, as an example, has much more land zoned for higher densities than the county does so they can afford to be at 12 on these because they don't have that many acres and they have very few areas where they have large parcels or the potential of large aggregated parcels. So for inside the City of Vancouver where they are working, they have a legitimate reason to zone that way. She further explained. *Morris* said she approves of the idea of requiring a mix of housing types, but they have practically no multi-family they appear to be adding of substance. She said she would be more than willing to do 12 on those parcels that are lower than 50, but 16 for those that are 50 and over.

Snell clarified that the areas they're talking about are within the Vancouver urban growth area.

Stuart agreed with Commissioner *Morris*' point that they don't have much that they've zoned in the comprehensive planning process for multi-family and he thought they should address that. Multi-family as a zoning classification is different than mixed use, which is a buffer and transition.

Morris said they're only talking about parcels that are 50 acres or larger so there's a lot of room to work with transition between neighborhoods.

Boldt said he would stay with the 12 units per acre.

Lowry said it seemed to him the issue with the smaller cities was in some ways irrelevant in terms of zoning because they would do their zoning, not the county. For the purposes of the Comp Plan, the board could direct staff to assume that density that is provided for by the smaller cities without putting anything into the mixed use ordinance.

Snell stated that in regards to the design standards, the committee felt very strongly that the standards needed to have the full force and effect of the ordinance so there's no wiggle room. He said the concern is that if they have a set of guidelines that can be argued, then the

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

county would be in the business of designing these mixed use proposals rather than the applicant.

Boldt asked if this would give more guidance to a hearings examiner.

Snell said yes, much more.

Lowry said the way the guidelines are set up they do have performance standards, which are regulatory in nature, but then they have a discussion in terms of out to go about meeting those standards. He said there is clearly some intended regulatory provisions in the guidelines.

Stuart said he thought it was a good idea.

Boldt asked Mr. Snell if this would help them in the retail sales debate about letting retail in and meeting the design standards that everyone wants.

Snell said yes.

Morris said there is apparently language in the ordinance that limits the size of the footprint and still allows up to 100,000 square feet and that's fine with her.

Snell said if they did strike what is proposed, they would have between a 50,000-100,000 sq.-ft. footprint that for a two-story, they could have 200,000 sq.-ft. retail.

Morris said the intent is to have general commercial 50,000 to 100,000 with only a 50,000 sq.-ft. footprint. She said there's also the issue of percentages, 20% to 30%.

Boldt asked what her suggestion would be.

Morris said she was opting for 30%, but still wasn't sure if that was reasonable; however, once they get to only 12 densities she didn't think it would matter that much so they could probably go to 20%.

Stuart referenced Mr. Stapleton's suggestion of adding a requirement of a greater mix of types of residential and asked if that was something they could include.

Morris said that was a good idea.

[Discussion ensued.]

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

Stuart had a question regarding the options for considerations for setbacks. He said the current code has a setback from single-family residential district and has just any building abutting and based on height. The options for consideration say that non-residential which abuts a single-family residential district shall also be required to. He said the non-residential versus residential wasn't so big of a deal, but it was just the height of a building abutting it.

Snell said they could delete non-residential.

Morris said that was reasonable.

Boldt agreed.

[There was further discussion regarding the issue of setbacks.]

Snell said that regarding the options, for smaller parcels the larger the setback the more it wouldn't work in the marketplace.

Morris said she would just as soon get rid of the 50 feet and instead of the setback, use the height restrictions.

Snell said building height adjacent to existing single-family.

Morris suggested that adjacent to residential, you can't be any higher than the height restriction of residential.

Higbie said that works, but they need to set some kind of a distance.

Stuart said they're not talking about the whole parcel; they're taking about the first row of houses or buildings that are adjacent to, or abutting, the existing.

Snell referenced the language in his email, "similar height and similar setback to the adjacent zone."

Morris said yes, to try that. She had a request of the individual (Mr. Stapleton) who spoke in regards to the 99th/136th Street, and asked that they do a rough design of that for them.

Stapleton said they would do that.

[Public testimony closed.]

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

Snell stated that they would prepare a new ordinance with the changes in strikethrough and underline.

There being no further public comment, **MOVED** by Stuart to close public testimony and continue deliberation for the Mixed Use Ordinance; Master Planned Development Ordinance; and Mixed Use Design Standards to April 25, 2006, at 10:00 a.m., in the Commissioners' Hearing Room, Public Service Center, 6th Floor. Commissioners Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 265)

COMMISSIONER COMMUNICATIONS

Stuart congratulated Pete Capell, Director of the Department of Public Works, who was recently named to the American Public Works Association Board of Directors.

COMMISSIONERS PROCEEDINGS
APRIL 11, 2006
CLARK COUNTY, WASHINGTON

BOARD OF COUNTY COMMISSIONERS

Marc Boldt/s/
Marc Boldt, Chair

Steve Stuart, Commissioner

Betty Sue Morris/s/
Betty Sue Morris, Commissioner

ATTEST:

Louise Richards/s/
Clerk of the Board

rt